



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 21 2005

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Christopher M. Trejchel
Senior Attorney
National Fuel Gas Distribution Corporation
P.O. Box 2081
Erie, PA 16512

Dear Mr. Trejchel:

Thank you for your letter dated February 22, 2005 requesting a waiver of the requirement under 40 CFR 761.60(b)(5)(iii) to characterize piping that is removed for disposal. Your letter indicates that National Fuel removes short segments of pipe for disposal and that in lieu of testing each segment for PCBs, National Fuel wants to assume that each segment contains PCBs at concentrations ≥ 500 ppm. In a subsequent phone conversation between you and Sara McGurk of my staff, you indicated that the pipe that is removed and assumed to be ≥ 500 ppm PCBs is then sent to a smelter for disposal.

The requirement to characterize pipe that is removed for disposal (40 CFR 761.60(b)(5)(iii)) only applies to pipe that you want to manage as PCB-contaminated (i.e., 50-499 ppm PCB) and that you would like to dispose of in accordance with 40 CFR 761.60(b)(5)(ii)(A). The requirement to characterize does not apply to pipe that contains, or is assumed to contain, ≥ 500 ppm PCBs. Therefore, the waiver you requested is not necessary. It is permissible to assume the concentration of the pipe to be ≥ 500 ppm PCBs, without testing, but you must follow the appropriate disposal options for pipe at that concentration.

If you have further questions regarding this issue, please contact Sara McGurk at (202) 566-0480.

Sincerely,

A handwritten signature in cursive script that reads "Maria J. Doa".

Maria J. Doa, Ph.D.
Director
National Program Chemicals Division

ROUTING SLIP

#	NAME	ACTION	INITIAL	DATE
1	Dave Hannemann	Concur	<i>DA</i>	14 May 05
2	Tony Baney	Concur	<i>TB</i>	3/15/05
3	Maria Doa	Sign	<i>MD</i>	3/21/05
4	Joycelyn Harley	Mail, File, Copy		
5	Sara McGurk	Return copy		
6				
7				
8				
9				

Nature of Item Being Routed:

National Fuel has requested a waiver from the sampling requirements for natural gas pipe at 40 CFR 761.60(b)(5)(iii). NF wants to assume that the pipe removed for disposal is ≥ 500 ppm without testing. NF has misinterpreted the regulations. The requirement at 40 CFR 761.60(b)(5)(iii) only applies to pipe that is PCB contaminated (50-500 ppm) and that will be disposed in accordance with 40 CFR 761.60(b)(ii)(A). A waiver is not necessary. A letter explaining this issue is attached for Maria's signature.

FROM: Sara McGurk, FOB National Program Chemicals Division	DATE March 9, 2005	TELE # 566-0480	ROOM # 4353-HH
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Sincerely,

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Maria J. Doa, Ph.D.
Director
National Program Chemicals Division

CONCURRENCES

SYMBOL	7404T	7404T	7404T				
SURNAME	Sara McGurk	Christopher M. Trejchel	Maria J. Doa				
DATE	3-16-05	16 Mar 05	21 March 2005				



National Fuel

Christopher M. Trejchel
Senior Attorney

February 22, 2005

U.S. Environmental Protection Agency
Director of the National Program Chemicals Division
1200 Pennsylvania Avenue, NW – Mail Code 7404T
Washington, DC 20460

RE: PCB Risk-based disposal waiver request pursuant to 40 CFR 761.61(c)

Dear Director:

40 CFR 761.61(c) allows for deviation from the current regulations concerning PCBs provided a Risk-based waiver is issued by the U.S. Environmental Protection Agency ("EPA"). National Fuel Gas Distribution Corporation ("National Fuel") is a local distribution company that has natural gas operations in New York and Pennsylvania. Because the operating area involves two different EPA regions, this request for a waiver is being submitted to EPA headquarters.

Background:

Frequently short segments of pipe > 4" in diameter are removed and require disposal. Although National Fuel endeavors to cut pipe segments in lengths close to 40', the nature of National Fuel's operations often result in numerous segments of pipe that are less than 10 feet long from different sources. Because these short segments are not from a contiguous section, each piece requires a PCB test. Instead of testing each removed segment, National Fuel would prefer to assume that these short segments have a PCB concentration of > 500 ppm PCB for purposes of disposal.

Waiver Request:

National Fuel requests a waiver of the requirement under 40 CFR 761.60(b)(5)(iii) that piping removed for disposal must be characterized by a wipe test where an oily liquid sample is not available for testing. Where National Fuel removes non-contiguous segments of piping that are 10' in length or less and have an inside diameter of $\geq 4"$, and an oily liquid sample is not available for testing, National Fuel will not perform a wipe test on the pipe and instead will treat the pipe as having a concentration of > 500 ppm PCB for purposes of disposal.

Basis of Waiver:

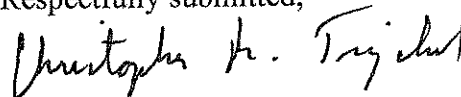
Under 40 CFR 761.60(b)(5)(iii), piping > 4" diameter must be tested for disposal. Based on the PCB concentration, the pipe is placed in a category for disposal based on the test results.

Allowing National Fuel to assume that the pipe is > 500 ppm PCB without testing, places the pipe in the most stringent category under EPA regulations for disposal.

Because of the quantity of short segments of non-contiguous pipe being removed, in some cases it is more efficient and economical to treat the short pieces as > 500 ppm PCB rather than testing each individual piece. This eliminates, in part, potential employee exposure to PCBs because they will not have to disturb the interior of the pipe by performing a wipe test. Also, assuming these short pieces are > 500 ppm PCB eliminates the possibility of human error in testing the wipe samples. This is a conservative approach that is consistent with how EPA regulations treat pipe if it is proven to be > 500 ppm PCB, and therefore, there is no increased risk to the public that would result from National Fuel not wipe testing such pipe in accordance with this waiver.

For your convenience, I have enclosed two copies of this waiver request. Should you have any questions or comments regarding this matter, please feel free to contact me at (814) 871-8035. Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher M. Trejchel". The signature is fluid and cursive, with the first name "Christopher" and last name "Trejchel" clearly distinguishable.

Christopher M. Trejchel
*Counsel for National Fuel Gas
Distribution Corporation*